
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

PAUL TERRELL THOMAS,

Plaintiff,

versus

THAD HEARTFIELD, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:06-CV-561

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Paul Terrell Thomas, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled action.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹


¹

Plaintiff filed an "Affidavit/Notice of Intent" in which he stated his desire that the record reflect that the dismissal of this action is not a dismissal of plaintiff's "Notice of Tort" filed with administrative personnel in an effort to exhaust administrative remedies. While the notice was inadvertently docketed as objections, the notice does not address the substance or conclusion of the Report.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 22nd day of January, 2007.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE